

1 Bill No. X-84 *85-09-07*

2
3 AMENDED ANNEXATION ORDINANCE NO. X-08-85
AN ORDINANCE AMENDING ANNEXATION ORDINANCE X-05-79, AS AMENDED
BY ORDINANCE X-08-79.

4 WHEREAS, on September 25, 1979, the Common Council of the
5 city of Fort Wayne did pass Ordinance No. X-05-79; and

6 WHEREAS, on October 23, 1979, the Common Council of the city
7 of Fort Wayne did pass Ordinance No. X-08-79, amending X-05-79;
and

8 WHEREAS, certain residents of the annexation area filed a
9 remonstrance against Ordinance No. X-05-79 in the Allen Superior
Court, Cause No. S-79-2980; and

10 WHEREAS, the city of Fort Wayne and the remonstrators have
11 reached an agreement that the remonstrators will dismiss their
12 remonstrance in return for the City providing the benefits set
forth in the fiscal plan and the Agreement, which has been added
to the plan and is shown as Exhibit B hereto;

13 NOW THEREFORE BE IT ORDAINED THAT:

14 SECTION 1. The fiscal plan for the Concordia Gardens Annexation
Area, as set forth in Exhibit A, shall be amended to add the
15 addendum attached to this ordinance as Exhibit B as further
provided in Resolution No. A-113-85. Ordinance X-05-79 and Ordinance
16 X-08-79 are amended to implement the fiscal plan and the addendum
17 to the fiscal plan at the time and in the manner set forth in
that fiscal plan and the addendum which is the agreement between
the City of Fort Wayne and the residents of the annexation area.
18 The annexation area described in Ordinance X-05-79 will become a
part of the City on December 31, 1985.

19 SECTION 2. All other terms and conditions of Ordinance X-05-79
20 as amended by X-08-79 and the fiscal plan set forth at exhibit A
shall remain unchanged.

21 SECTION 3. That after its passage, approval by the Mayor, due
22 legal publication, and the required sixty (60) day remonstrance
period, this Ordinance shall be in full force and effect.

23
24 *Janet G Bradbury*
25 COUNCILMEMBER

26 APPROVED AS TO FORM AND LEGALITY

27 *B. O. Boxberger*
28 BRUCE O. BOXBERGER, CITY ATTORNEY

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Read the first time in full and on motion by Bradbury, seconded by Henry, and duly adopted, read the second time by title and referred to the Committee Annexation (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on 8-10-85, the 19 day of September, at 10:00 o'clock A.M., E.S.T.

DATE: 9-10-85

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury, seconded by Henry, and duly adopted, placed on its passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>9</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>BRADBURY</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>BURNS</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>EISBART</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>GiaQUINTA</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>HENRY</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>REDD</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>SCHMIDT</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>STIER</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>TALARICO</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>

DATE: 10-9-85

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)
(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. X-0885.
on the 8th day of October, 1985,

ATTEST:

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

(SEAL)

Mark E. GiaQuinta
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana,
on the 9th day of October, 1985,
at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 14th day of October,
1985, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses Jr.
WIN MOSES, JR., MAYOR

CONCORDIA GARDENS ANNEXATION PROPOSAL

The City of Fort Wayne offers to settle its annexation dispute with the residents of Concordia Gardens by providing the services set forth in the fiscal plan for annexation of Concordia Gardens and by providing the following additional services:

I. Capital Services

a. Street Lighting

The City will provide, within one year from the date of annexation, corner street lighting with metal or fiberglass poles at the following intersections at no cost to the residents:

Bellevue Drive and Woodbrook Drive;
Riverton Drive and Bellevue Drive;
Riverton Drive and Otsego Drive;
Broken Arrow Drive and Riverton Drive;
Province Drive and Broken Arrow Drive;
River Park Drive and Riverton Drive;
River Park Drive and Mohawk Drive;
Beechmont Drive and Woodbrook Drive;
Parkland Drive and Beechmont Drive;
Parkland Drive and Otsego Drive
Deerwood Drive and Mohawk Drive

(No petition will be required by the residents to generate this corner street lighting.)

The City will, upon the date of annexation, maintain and pay the lighting costs of the existing street lights, approximately 26, and those to be provided above.

b. Streets - The City will accept the streets of the annexation area for maintenance as of the date of annexation.

c. The City will not require residents of the annexation area to pay for the construction of sidewalks in the annexation area without a valid petition by the appropriate property owners in accordance with applicable law.

d. The City will provide cost sharing programs on some capital improvement projects as the City, from time to time, determines feasible and as offered other similar areas of the City.

II. Non-Capital Services

a. Upon the effective date of annexation, residents of the Concordia Gardens annexation area then connected to or later connecting to city water services will not be required to pay the 35% out-of-City surcharge.

b. The City will provide all other non capital City services to the annexation area beginning on the effective date of annexation, in the same manner as provided other areas of the

City with similar topography, patterns of land utilization and population density, including the following:

- Police protection
- Fire protection
- Emergency Medical Service
- Trash collection
- Snow removal
- Barrett bonding capabilities

Until fire hydrants are installed within the annexation area, the City of Fort Wayne will make arrangements for the dispatch of a large water tanker truck to all residential fires within the annexation area.

III. The City will cause to be constructed and maintained a six foot cyclone (chain link) fence along the North boundary line of the utility easement, just North of Concordia Gardens, running from Highway 427 to the east lot line extended, of the homes on the east side of Riverton Drive, with a pedestrian opening at the Woodbrook Drive easement. Construction will be completed within four months after the passage of the amended annexation ordinance, weather permitting. If this Woodbrook Drive easement is ever vacated, the City will then close the pedestrian opening in that fence.

IV. Property Tax Escrow Fund - The City of Fort Wayne will set aside \$250,000 from the property taxes received by the City from the annexation area in the first 3 years in which taxes are received, placing that sum in a special fund. This special fund shall be used as follows:

a. Flood Control - Up to \$25,000 will be used, as determined by the Fort Wayne Board of Works, to assist the problems of homeowners along the open drainage ditch in the annexation area by the construction of dikes or by some other method, as determined by the Board of Works, to best assist toward the correction of this problem. Investigation and engineering costs, which shall be paid out of this \$25,000, shall be limited to 15%.

This project will be started as soon as reasonably possible after the effective date of annexation, based on the weather and ground conditions and the City will be reimbursed from the special fund as soon as monies are received in the fund.

Any of these monies not used for this project will then become available for the uses below.

The Concordia Gardens Association will assist and work with the City of Fort Wayne to get the County to appropriate bridge funds to properly size and construct bridge structures which affect drainage in Concordia Gardens.

b. City Water Service - The balance of the funds set aside in the special fund shall be used to defray the cost assessments for city water.

Each lot owner of the Concordia Gardens subdivision, assessed for City water resulting from a petition for City water prior to January 1, 1990 will receive a credit against his assessment, from this special fund. Each lot owner's credit will be equal to the amount of the fund for City water service divided by the number of lots in the Concordia Gardens subdivision. Any lot in Concordia Gardens subdivision receiving City water and having been assessed and having paid their assessment, by cash or Barrett Bond, prior to credits being available, will receive a check for their credit in 1987, within one month after the City receives the first draw of taxes from the Concordia Gardens annexation area. The check will be in the name of the then current lot owner of record.

No assessment charge for City water shall be due before January 1, 1987.

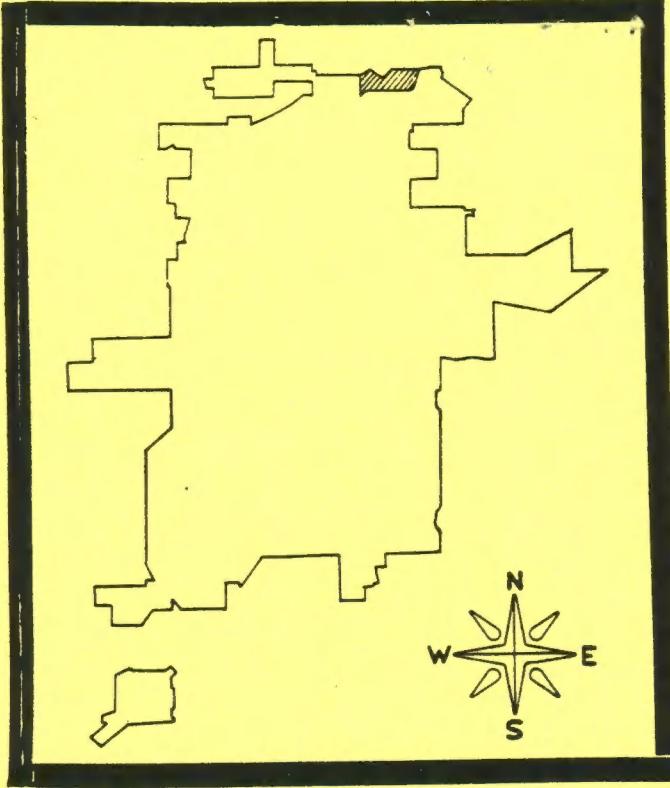
Drainage problems in the area will be addressed and corrected, as is possible, when construction is done for water lines.

Fire hydrants will be installed at the time of construction of the water facilities.

c. Other capital expenditures - Any balance in the special fund, remaining, after all credits toward water service are issued, shall be used for capital expenditures in the annexation area as finally determined by the Fort Wayne Board of Public Works, after consultation with the Concordia Gardens Community Association. These funds shall be expended within two years after the date the last possible credit is issued on City water assessments above.

V. The City of Fort Wayne will amend its annexation ordinance to include the items in this Annexation Proposal or to reference an amended fiscal plan containing these items. The effective date of annexation will be the latter of December 31, 1985 or 60 days after the last publication of the amended ordinance. The remonstrators will dismiss their remonstrance in Cause No. S-79-2980 within 10 days after the last publication of the amended ordinance.

VI. Any agreement reached between the City of Fort Wayne and the Concordia Gardens annexation area is subject to their being no remonstrances filed by a majority of the landowners or by the owners of more than 75% of the assessed valuation of land in the annexation area, to the amended ordinance.



CONCORDIA GARDENS

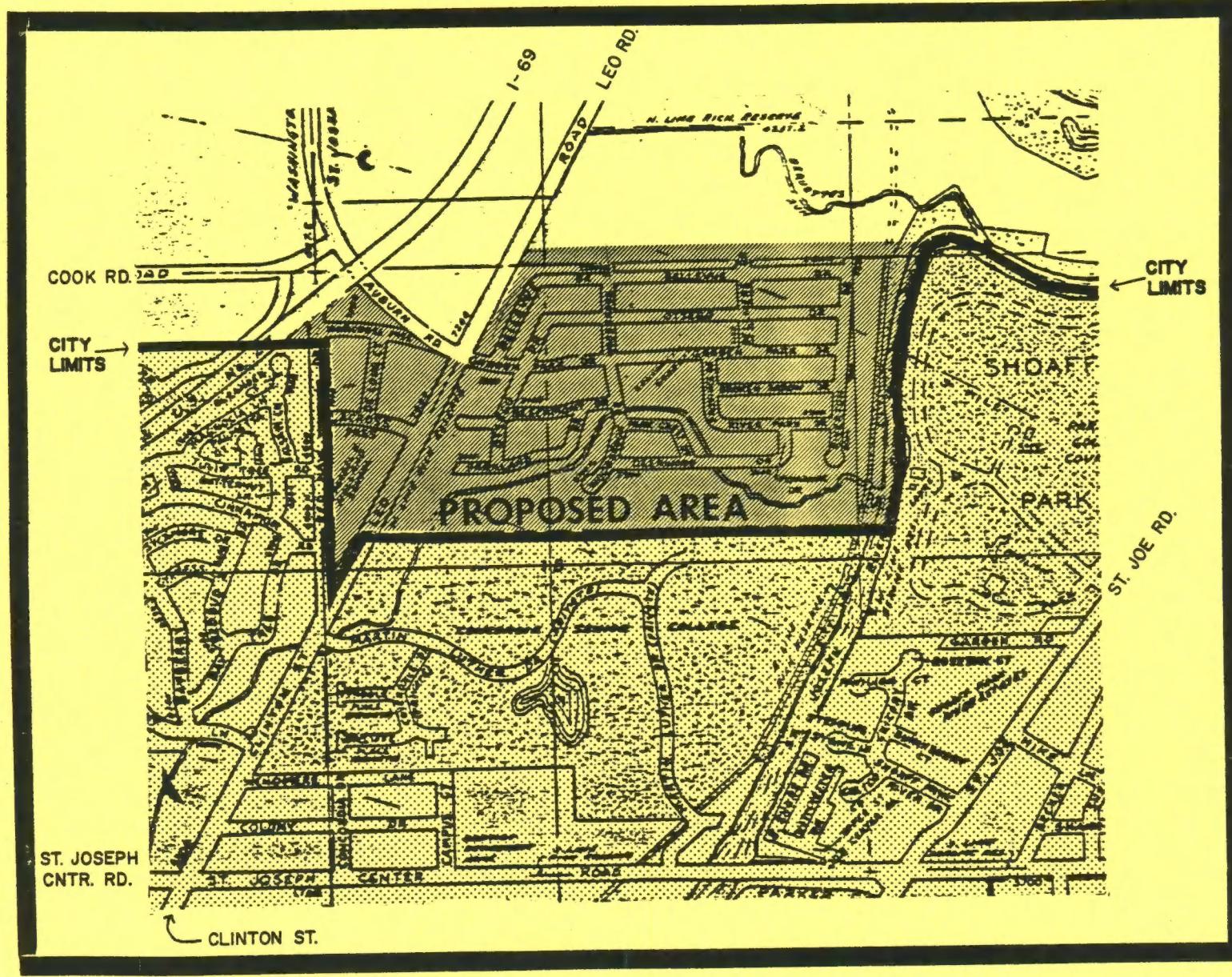
Bill No. X-77-06-27

Ordinance No. _____

Effective Date. _____

City of Fort Wayne

C.D. & P.



INTRODUCTION

The Fort Wayne Community continues to grow every year, with most of the growth occurring outside the existing city limits. St. Joseph Township alone is expected to increase by more than 25,000 people between 1970 and 1990. As the community grows, the city must also grow in order to be financially capable of providing the municipal services demanded by residents of the urbanized areas. Annexation, or the redefinition of corporate limits, is one method a city may employ to keep up with the growth occurring in the community and insure the economic well-being of the city and its residents.

The Concordia Gardens annexation area, located north of Fort Wayne in St. Joseph Township, is just one small segment of Fort Wayne's overall annexation strategy. It is the goal of the City of Fort Wayne to annex all "urban" land contiguous to city limits. Concordia Gardens is considered urban since it has more than three persons per acre and is more than one-eighth contiguous to the city limits.* Because the area is defined by existing city limits on its eastern, western, and southern boundaries, it is highly suitable for adjacent growth which allows for the orderly and efficient delivery of services. In addition, urbanization is expected to extend north of this area, making Concordia Gardens a vital link to this future development.

The Concordia Gardens area meets the necessary criteria for annexation in the three ways stipulated by Indiana law (I.C. 18-5-10-25). It is at least one-eighth (1/8) contiguous to the city limits, has at least three (3) persons per acre of land, and a fiscal plan for providing municipal and proprietary services to the area has been developed.

The following report describes the area, sets forth a municipal service plan, summarizes the financial impact of annexation upon the City, and recommends a course of action.

* Annexation: Policy and Program Study, Community Development and Planning, 1976.

BASIC DATA

1. Location

Generally, north of Fort Wayne in St. Joseph Township. More specifically, north of Concordia College, east of Leo Road, and west of the St. Joe River.

2. Size

255 acres or .40 square miles.

3. Population/Density

According to the 1970 Census of Housing, there are 4.01 persons per housing unit for this area.* With 300 dwelling units in the area, an estimated 1,203 people live in the Concordia Gardens Annexation area. The present density for the area is 4.72 persons per acre.

4. Buildings

<u>TYPE</u>	<u>NUMBER</u>	<u>CONDITION</u>
Industrial	0	----
Commercial	1	Good
Institutional (School)	1	Good
Residential	300	Good-Fair

5. Zoning

The present county zoning of this area is RS-1 (Suburban Residential) with the exception of approximately 19.5 acres adjacent to the St. Joe River which is designated A-2 (Flood Hazard). Upon annexation, the land shall be in the territorial jurisdiction of the City Plan Commission and shall automatically become classified with the corresponding city zone of R-1 (Single Family Residence). The city does not have a specific zoning district for Flood Hazard areas as the Flood Plain Ordinance applies to all districts.**

* 1970 "Census of Housing, Block Statistics," U.S. Department of Commerce, Bureau of the Census, September, 1971.

** "Fort Wayne Indiana Zoning Ordinance;" Chapter 36, Article 10, Section 40 "Flood Plain Management and Control".

<u>Classification</u>	<u>Classification Description</u>	<u>Percent</u>
RS - 1	Suburban Residential	92.4%
A - 2	Flood Hazard	7.6%

After Annexation:

(92.4%) RS-1 will change to R-1, Single Family Residence.
 (7.6%) A-2 will be covered by Flood Plain Ordinance.

(See Map 1)

6. Land Use

<u>Type</u>	<u>Acres</u>	<u>Percent</u>
Residential	173.198	67.92
Undeveloped	37.415	14.67
Public (School)	24.290	9.52
Streets & Roads	16.400	6.44
Park Area	2.700	1.06
Commercial	0.997	0.39
	255.000	100.00

(See Map II)

7. Planning

Concordia Gardens is almost totally developed, with only 16% remaining vacant. Since this area is an urban, residential area, it requires a high level of municipal services. Currently, this area is not receiving the level of services it requires, and therefore has had to contend with a number of problems. Sanitary sewers and streets are two of the most severe problems. Concordia Gardens residents have a substandard septic tank system which contributes to the pollution problems of the City's rivers and ditches. In addition, the residential streets are in poor to fair condition and in need of repair. The area has also experienced flash flooding from time to time due to a drainage ditch in the southern portion of the area.

The City of Fort Wayne is not offering annexation as a solution to all their problems. However, annexation does provide a means to help solve at least some of the problems. By entering the City, residents have the option to spread the cost of capital improvements, such as streets and sewers, over a ten year period. This would greatly reduce the initial cost, thereby making the necessary improvements more affordable.

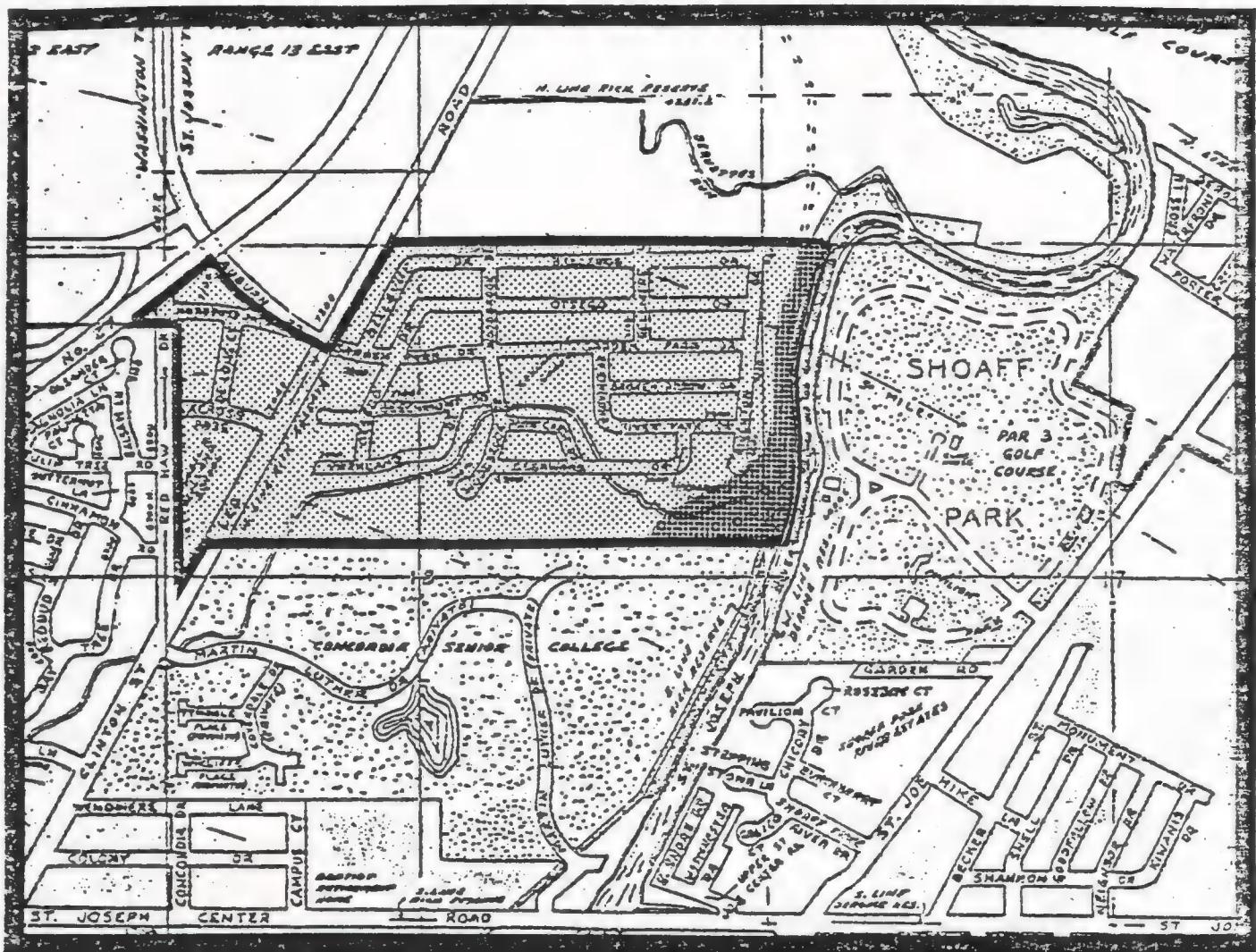
Although there will be more expenses to the City than income in the first year (as is the case with all annexations), the area will begin to produce a positive income from the second year on. (See Five Year Summary)

The following are reasons why the City wishes to annex Concordia Gardens:

- (a) Concordia Gardens is surrounded by the City on three sides. Thus, annexation would create a more compact city boundary and would correspond to the adjacent growth strategies of the City and County Plan Commissions. Adjacent growth is important since it allows for the minimization of utility and facility costs, coordinated and efficient provision of housing, transportation, and community facilities, and full utilization of the land while maintaining natural resources.
- (b) Urbanization is expected to occur north of this area, making Concordia Gardens a vital link to this future development. If the City is to continue providing services in the most efficient manner (i.e., to adjacent areas), Concordia Gardens must be served before areas located farther to the north can be served.
- (c) North Clinton and Interstate 69 provide access to Concordia Gardens as well as to areas farther north. It is the policy of the Comprehensive Plan* to base future land use decisions on the capacity of the transportation systems. Since the present system does provide easy access to and from Concordia Gardens and the area to the north, future development of this northern area is feasible.
- (d) Concordia Gardens is already very much a part of the urban community of Fort Wayne. Concordia Gardens' residents derive much of their livelihood from the City as well as make use of certain public facilities such as city parks. Therefore, it is fitting that such an area become an actual part of the City and contribute to its growth and prosperity.

* "The Comprehensive Plan of Allen County, Indiana,"
The Allen County Plan Commission, 1976.

MAP 1



COUNTY ZONING

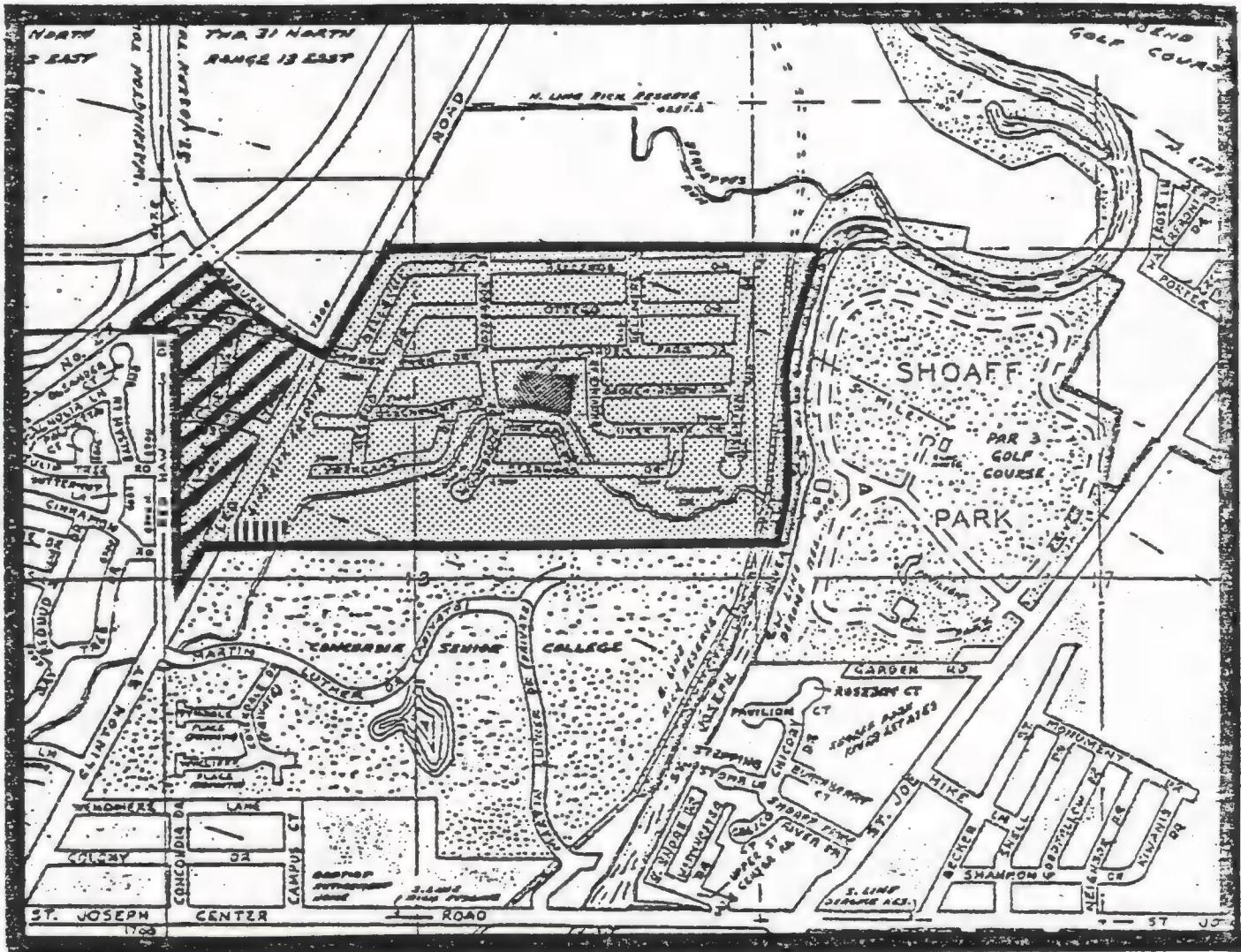
RS-1



A-2



MAP 2



LAND USE

Commercial

Public School

Recreational

Residential

MUNICIPAL SERVICES

The state law requires that within one (1) year of annexation, the City provides the annexed area with "planned services of a noncapital nature" which are "equivalent in standard and scope" to those noncapital services provided to similar areas in the City. The law also requires "that services of a capital improvement nature...be provided within three (3) years of the effective date of the annexation, in the same manner as those services are provided" to similar areas within the City. Cost estimates of the services, methods of financing the services, and a plan for the organization and extension of services are also required. (I.C. 18-5-10-25 (C)) This report contains a fiscal plan for doing so.

In 1970 the Fort Wayne City Council adopted Resolution No. R-83-70 (Bill No. R-70-07-24) that set forth a policy for providing services to newly annexed areas. This plan follows the directives of Resolution R-83-70 while conforming to existing laws, rules and regulations.

Municipal services are analyzed in terms of the needs of the Concordia Gardens annexation area and the costs of providing the services to the area. As required by Indiana law, services will be provided in a manner that treats the Concordia Gardens area the same way as similar areas in the City are treated. Services will be at City standard, and, where necessary for items such as new street lighting, the standard service provision process will be used just as it is used elsewhere in the City of Fort Wayne.

The City of Fort Wayne will provide police and fire protection, emergency medical service, traffic control, solid waste collection, and street and road maintenance immediately upon annexation. Street lighting and street construction will be provided in accordance with the standard processes of the City (which can include resident petitioning and financial participation) as well as the routine capital improvement procedures of the City. The water, sewer and drainage services of the Fort Wayne City Utilities will be made available to the area in conformance with relevant State law and Utility policies. The Park facilities of the City will be available to residents with park development in the area contingent upon the park planning standards and methods used throughout the community. The specifics of implementing these services in the Concordia Gardens annexation area are presented in the following reports.

This is a plan to provide municipal services, which the City of Fort Wayne is committed to do. The exact detail as outlined in the following reports may change as needs are re-evaluated and services re-allocated throughout the entire city. Standard city policy could also change, necessitating change in the manner and amount of service

provided. Regardless of the change in details, the services will be provided to Concordia Gardens in the same manner and level that they are provided elsewhere in the city.

1. Police

The Fort Wayne Police Department will become responsible for servicing the Concordia Gardens area immediately upon annexation. This service generally includes the prevention and detection of criminal activity, the apprehension of criminal offenders, assistance for those who cannot care for themselves or who are in danger of physical harm, the resolution of day to day conflicts among family, friends, and neighbors, and the creation of maintenance of a feeling of security in the community. The Police Department is also involved in legal work such as participation in court proceedings and protection of constitutional guarantees. Furthermore, it is responsible for the control of traffic and the promotion and preservation of civil order.

The Concordia Gardens area has been analyzed by the Police Department and an estimate made of the cost of providing service to the area. Police District #1 is adjacent to Concordia Gardens and the numbers of runs made in that district was examined. The location and size of the annexation area was considered to determine how frequently squad calls patrolling the adjacent police district would be able to travel through the annexation area. The average number of daily police trips into the area, 10, would be more than adequate for responding to calls for service as well as routine patrols. There will, however, be daily variation, so there may not be 10 trips into Concordia Gardens each and every day. This is an average number which will be sufficient to meet the need and is the number used to make a cost estimate. Using an average of 10 trips through the area a day, and calculating the cost of this in officer-time and equipment used, it would cost an estimated \$10,300 annually to provide service to this annexation area.

Regardless of the actual cost, the Police Department will provide the area with service substantially equivalent to that provided similar areas within the City. The Chief of Police will, of course, routinely evaluate the requirements of the area and adjust police districts and manpower accordingly. The City is already handling fire and EMS communications for the area and no additional communications personnel are required to handle police calls.

Funding for police service will come from local taxes, although any funds allocated to the General Funds may be used.

ANNUAL COST ESTIMATE: \$ 10,300

2. Fire

The Fort Wayne Fire Department will become responsible for serving the Concordia Gardens area immediately upon annexation. This service includes suppression of fire, fire prevention education, and fire inspection of churches and all commercial establishments.

The department already provides service to areas immediately east, west, and south of the proposed annexation area. Therefore, response time for Concordia Gardens should be approximately the same as it is for those adjacent areas and within standards maintained for the city.

Upon annexation, Fire Station #13, located at 1103 E. Coliseum Blvd., will provide service to the area. Station #13 is equipped with a 750 gallon pumper as well as a rescue unit.

North Clinton Street, which becomes Leo Road, provides easy access from Station #13 to the Concordia Gardens area. Depending on the magnitude of the fire, Station #6, located at 1500 W. Coliseum Blvd., and Station #14, located at 3400 Reed Road, may be called to assist. In addition, the Fort Wayne Fire Department has a mutual aid agreement with all surrounding township fire departments. Thus, the St. Joseph Township Fire Department could also be called to assist.

The Concordia Gardens Annexation will not require additional personnel, equipment, or a fire station. The Fire Department will respond with fire-fighting equipment, materials, and personnel to the proposed annexation area as it responds to similar locations within the city.

The only costs the Fort Wayne Fire Department will incur with the annexation of Concordia Gardens are operating costs. The cost is calculated using housing density and average run figures.

ANNUAL COST ESTIMATE: \$ 461.00

3. Emergency Medical Service (EMS)

Upon annexation, residents of Concordia Gardens will have, at their convenience, full time Emergency Medical Services. This includes ambulance coverage and first aid treatment to victims of heart attacks, automobile and other accidents, and to others requiring immediate medical attention. On certain runs, the Fort Wayne Fire Department will provide extra assistance.

Federal and State Regulations require a response to 95% of the requests for service within a maximum of ten (10) minutes in urban areas. Response time to this area will be within the range considered acceptable for such areas to the east, west, and south which are currently being served.

The cost for emergency medical services for Concordia Gardens is estimated on a per capita basis. In 1977, EMS made approximately .08 runs per person. Concordia Gardens would generate 96 additional runs a year. Using an average cost per run of \$25, the cost for Concordia Gardens is shown below:

ANNUAL COST ESTIMATE: \$ 2,400

The source for funding for Emergency Medical Service is the General Funds.

4. Solid Waste Collection

Upon annexation, the City will provide weekly garbage collection to residents of the Concordia Gardens area. Under the terms of the present contract with National Serv-All, the cost of solid waste collection is \$39.14 per household per year. With 300 households within the area, the total cost will be \$11,742 per year. If additional personnel are needed, they will be hired by the contractor.

Presently, individual property owners of the proposed area must contract independently for solid waste collection. The source of funding for solid waste collection after annexation will be the General Fund.

5. Traffic Control

The City of Fort Wayne will assume responsibility for traffic control in this area upon annexation. Traffic control involves installation and maintenance of traffic control devices as well as surveys and investigations. The services provided by Traffic Engineering for this area will be comparable to the rest of the City six months after annexation.

Signs and markings will be brought to City standard within six months of annexation. Signals are a capital expense and will be to standard within three years of annexation. However, no signals are needed at this time. Fire alarms, although they are a capital expense, will be in place within one year as a radio alarm system is used.

The costs of providing traffic control service and the costs of physical improvements are listed below:

OPERATING COSTS:

Annual Paint Program-

8000' Painting 2 center-lines and 4 edge lines at 4.7¢ per foot (Labor and Material)	\$376.00
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1 Crosswalk (Labor and Material)	<u>5.00</u>
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Annual Operating Costs:	\$381.00
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CAPITAL COSTS:

<u>SIGN</u>	<u>SIZE</u>	<u>NO REQUIRED</u>	<u>UNIT COST</u>	<u>TOTAL COST</u>
STOP	30 x 30	5	22.95	\$114.75
SCHOOL CROSSING	30 x 30	1	22.95	22.95
STREET NAME (SET)	6 x 30	24	30.80	739.20
SPEED LIMIT 55	24 x 30	2	17.70	35.40
SPEED LIMIT 25	24 x 30	2	17.70	35.40
WHEN CHILDREN PRESENT	18 x 24	<u>2</u>	12.50	<u>25.00</u>
SUB TOTAL		36		\$972.70
 <u>POSTS</u>	 <u>SIZE</u>	 <u>NO REQUIRED</u>	 <u>UNIT COST</u>	 <u>TOTAL COST</u>
	12' 3 lb	11	19.20	\$211.20
	12' 2 lb	<u>26</u>	13.80	<u>358.80</u>
SUB TOTAL		37		\$570.00
LABOR				169.12
1 - FIRE ALARM (LABOR AND MATERIAL				<u>1500.00</u>
TOTAL CAPITAL COSTS:				\$3211.82

Improvements are made according to priority and as funds become available. The source of funding for the scheduled improvements and/or Traffic Engineering services are the General Fund, Revenue Sharing Funds, and occasionally, Motor Vehicle Highway Funds.

6. Street Lighting

Presently in the Concordia Gardens Area, there are a few scattered security lights rented from Indiana & Michigan Electric Company at a cost of \$5.00 - \$7.00 per month, paid for by the property owners who ordered them installed. Once the area is annexed, the City of Fort Wayne will pay 100% of the cost of these lights, located in the public right-of-way.

It is the goal of the city to light every unlit intersection in the city. In Concordia Gardens this would require 30 poles. Listed below are the costs of standard intersection lights for Concordia Gardens:

CAPITAL COSTS:

<u>Number of Poles</u>	<u>Unit Price</u>	<u>Cost</u>
50	\$550.00	\$16,500.00
	11.	

OPERATING COSTS:

<u>Number of Poles</u>	<u>Unit Price</u>	<u>Cost</u>
(Maintenance) 30	\$ 8.67	\$ 260.10
(Energy) 30	13.33	<u>399.90</u>
		Annual Operating Cost \$ 660.00

These lights would be funded 100% by the City of Fort Wayne. Capital costs would come from the Street Lighting Fund. This fund is composed of various combinations of Revenue Sharing monies, Light Lease Fund, General Fund, and property tax revenue, and is subject to change from year to year. For our purposes, we attribute these capital costs to property tax revenue (See Five Year Summary). Operating costs would be paid by the City.

Lighting these intersections is contingent upon the availability of funds. However, Concordia Gardens would be treated equally with other areas of the city and would enter a list of areas to receive intersection lights.

If residents desire street lighting for the entire addition, they must petition for it. Petitions will be treated equally with those from other areas. Priority will be assigned on the basis of need and filing date. The City of Fort Wayne would pay the cost as funding is secured. Listed below are the costs of lighting the entire addition:

CAPITAL COSTS

<u>Number of Poles</u>	<u>Unit Price</u>	<u>Cost</u>
137	\$ 550.00	\$ 75,350.00

OPERATING COSTS:

Maintenance	137	\$ 8.67	\$ 1,187.79
Energy	137	13.33	<u>1,826.21</u>
		Annual Operating Costs:	\$ 3,014.00

If the residents desire ornamental lighting, they must pay the difference between the Capital Cost of standard and ornamental lighting. The City will still pay the operating costs.

7. Streets and Roads

The Street Engineering Department will provide engineering services and construction supervision of all streets, alleys, and sidewalks constructed within the proposed annexation area. No additional engineering personnel or equipment will be required.

The annexation of Concordia Gardens would add .32 miles of arterial roads and 4.47 miles of residential roads. General maintenance of these streets would then be the responsibility of the City. General street maintenance includes snow and ice removal, mowing along the roadside, leaf pick-up, and surface maintenance. The average cost is \$2500 per mile of street, so Concordia Gardens streets and roads would cost approximately \$11,975 per year to maintain with funds from the Street Department budget.

Leo Road, classified as arterial, is in good condition and needs no upgrading at this time. All residential streets within the Concordia Gardens areas are in fair to poor condition. The cost of upgrading these streets to meet City specifications would be \$2,200,000. This estimate includes construction of streets, sidewalks on both sides, engineering and inspection costs, and storm sewers. In order to upgrade residential streets, residents must petition for it and pay for 75% of the construction costs. The City will pay the remaining 25%. Upon petitioning, Street Engineering will prepare preliminary plans and cost estimates. The project will go onto a list of residential street improvement projects and will be constructed as funds become available. This is the standard City procedure.

Funding for the improvements is provided by property owner participation (75%) and city participation (25%) from Motor Vehicle Highway funds or other revenue.

If this area was annexed, petitions for two or three streets could possibly be honored in 1979, assuming no additional petitions from other areas were submitted. It is, however, impossible to predict beyond 1979 as the budget is determined on a yearly basis.

8. Parks

A 2.7 acre park is presently located near the center of the Concordia Gardens area. (See Map I)

The Park & Recreation operating budget has reached a point where it can no longer absorb additional costs and still maintain park facilities at a high standard. Due to these budget restrictions, the Park Board has established a "no growth" policy. The Park Board will continue to follow this policy with regards to acquisition of the Concordia Gardens Park, unless it receives a commitment for an increased operating budget that would allow the Department to maintain the park at an acceptable standard.

In keeping with the current policy, the alternatives of the City regarding the Concordia Gardens park are:

- (A) Association retains ownership of park and the maintenance responsibility.
- (B) Property is transferred to the Parks & Recreation Department with the stipulation that the association retains maintenance responsibility.
- (C) Revenue Sharing or other funds allow the City to develop the park and a maintenance agreement is reached with the association.
- (D) City Council increases the operating budget of the Park Department, thereby providing sufficient funds for maintenance and revenue sharing or other funds are used to develop the park.

At the present time, alternative (A) or (B) is the most probable. Alternative B would represent a tax savings for residents since the property would be removed from the tax rolls.

If, however, the Park Department was able to maintain the park (through an increased operating budget) the cost would be as follows:

Maintenance: \$ 4,354.70*

Presently, within the City, there are parks owned and maintained by the respective neighborhood associations. There are other parks owned by the City, but maintained by the association in accordance with maintenance agreements.

A Funmobile Stop would be put into effect regardless of park ownership. The costs for the operation of a Funmobile Stop are listed below:

Funmobile Stop

Van	\$200.00
Director	141.66
Leaders	108.33
Mileage & Gas	50.00
Equipment & Supplies	<u>666.66</u>

TOTAL \$1166.65**

If the park is acquired by the City and Capital Improvement Funds allow, the park could be upgraded. The estimated costs for these capital improvements are listed below:

* Maintenance costs are the costs for the City to maintain the park and include grass mowing chemical treatment, fertilizing, and garbage pick-up.

** A Funmobile makes 6 stops twice a week during the summer months. Therefore, costs for Concordia Gradens Stop is 1/6 the cost of one Funmobile route.

Capital Improvement

- 0 33' x 70' Asphalt Basketball Court	\$4,000.00
- 0 Lighting for Basketball Court	1,000.00
- 0 Play Apparatus Replacement	6,000.00
- 0 Rustic Footbridge	9,000.00
- 0 Landscaping Improvements	5,136.00
- 0 5' x 170'0" Concrete Walk	1,300.00
- 0 Misc. Labor and Equipment for Initial Maintenance	<u>1,915.00</u>

Total Capital Improvement Cost \$28,351.00

UTILITIES

Water and sewer service are provided by the Fort Wayne City Utilities. These services are paid for with user charges and tap fees and not through Civil City property tax revenues. There are instances where certain system improvements, to the Sewage Treatment Plant for example, can be funded with special grants, such as those from EPA; but, the cost of extending service to residents of Concordia Gardens will be borne by those residents through direct charges. Thus, property owner involvement is required in the provision of services. City Utilities does, however, have the capacity and facilities for extending water and sewer to the area.

1. Water

Presently, only a small portion in the western part of the Concordia Gardens area is served with City water. This area includes one commercial customer, the Mabel Holland School. The additional 300 residences can be served either directly from the existing water mains if their property is adjacent to these mains or by the extension of additional water mains from existing distribution and/or feeder mains within the area. Map III shows the existing and proposed mains within the Concordia Gardens area. The Utility is prepared to proceed with plans, specifications, bidding, and construction on any portion or all of the proposed water mains as their need becomes apparent and property owners petition for their installation.

Construction of a feeder main just northwest of Concordia Gardens will be necessary to provide direct service to this area and to provide adequate service beyond this area. This feeder main is a part of the Master Plan*to ultimately provide water service to the Fort Wayne - New Haven - Allen County Metropolitan area. This Master Plan shows that the Fort Wayne Water Utility has the capacity to serve this annexation area through its presently developed water supply reservoir system (i.e., St. Joseph River Reservoir, Cedarville Reservoir, and Hurshtown Reservoir). In addition, the Three Rivers Filtration Plant is now being expanded to enhance the availability of treated water for the present city water service area as well as other surrounding areas.

Upon annexation, residents desiring to obtain City Water service must follow the usual city procedure. City policy requires residents to petition and pay for the installation

*Master Plan for Fresh Water Supply and Distribution,
Department of Water Engineering, 1972.

of distribution mains. This is generally paid for on a cash basis by the property owners who directly benefit and who are willing to initially finance the cost. A recorded contract requires others to pay their respective share of the initial construction cost if they desire service within fifteen (15) years. Such shares are then collected and paid back to the initial parties financing the main. A bonding procedure may be used to assist property owners in paying the cost of constructing water mains. Residents may spread the cost over ten years, similar to the Barrett Law procedures used for street, sidewalks and alley pavements, and sewer construction.

If additional feeder mains are required to serve residents petitioning for city water service, the Utility will construct and pay these mains out of the cash reserves of the Utility or out of the sale of revenue bonds. Also, if, due to a master plan or other desire of the Utility, a main is installed larger than required by the property owners immediately involved, the cost of the oversizing is paid for by the Utility.

Annexation has an effect on water rates charged to customers of the Water Utility. Customers outside the city limits are charged a 35% surcharge on their water bills. This charge would be dropped when Concordia Gardens is annexed to the City.

2. Fire Hydrants

The Civil City of Fort Wayne pays the Water Utility \$115.64 annually for each fire hydrant located within the city. With one fire hydrant presently located in the Concordia Gardens annexation area, the city will be billed an annual fee of \$155.64.

3. Sewers

Most residents of the Concordia Gardens area make use of septic tanks for sewage collection. However, there are approximately 20 homes served by a sanitary sewer maintained by City Utilities. This sewer, known as the St. Joe Interceptor, is located west of the St. Joseph River near the eastern boundary of the Concordia Gardens area (see Map IV).

Upon annexation, residents must follow the usual city procedure if they desire to obtain sanitary sewers. City policy requires residents to petition the Board of Works. (In some cases, the Board of Health may require it). Upon receipt of a petition, the Board of Works will request the Water Pollution Control Engineering Department to prepare a set of plans and cost estimate for the project. After accepting the plans, the Board of Works holds a public meeting, then the project is bid and construction begins. The process of obtaining sanitary sewers would take approximately two years for Concordia Gardens. Six months would be required for engineering, with the remainder of the time to be used for con-

struction and acceptance of the system into the City's sewage system.

The cost of obtaining sanitary sewers must be borne by the legal landowners. As outlined in the Indiana Statute for a Barrett Law Public Improvement*, city residents have the choice of making one single payment for their assessment or Barrett Bond the project which allows payment over ten years at an interest rate generally lower than those offered in the open market.

Water Pollution Control has developed preliminary plans for the provision of sanitary sewers to the area. The St. Joe Interceptor facilitates the extension of City sewer service to the annexation area. Therefore, it has been determined that the City is physically able to provide sewer service to Concordia Gardens area if the residents petition for it. Once sewers are installed, residents are required by City Ordinance G-83-66, 1 to tap into any sanitary sewer abutting their property or located within a public right-of-way.

4. Storm Sewers

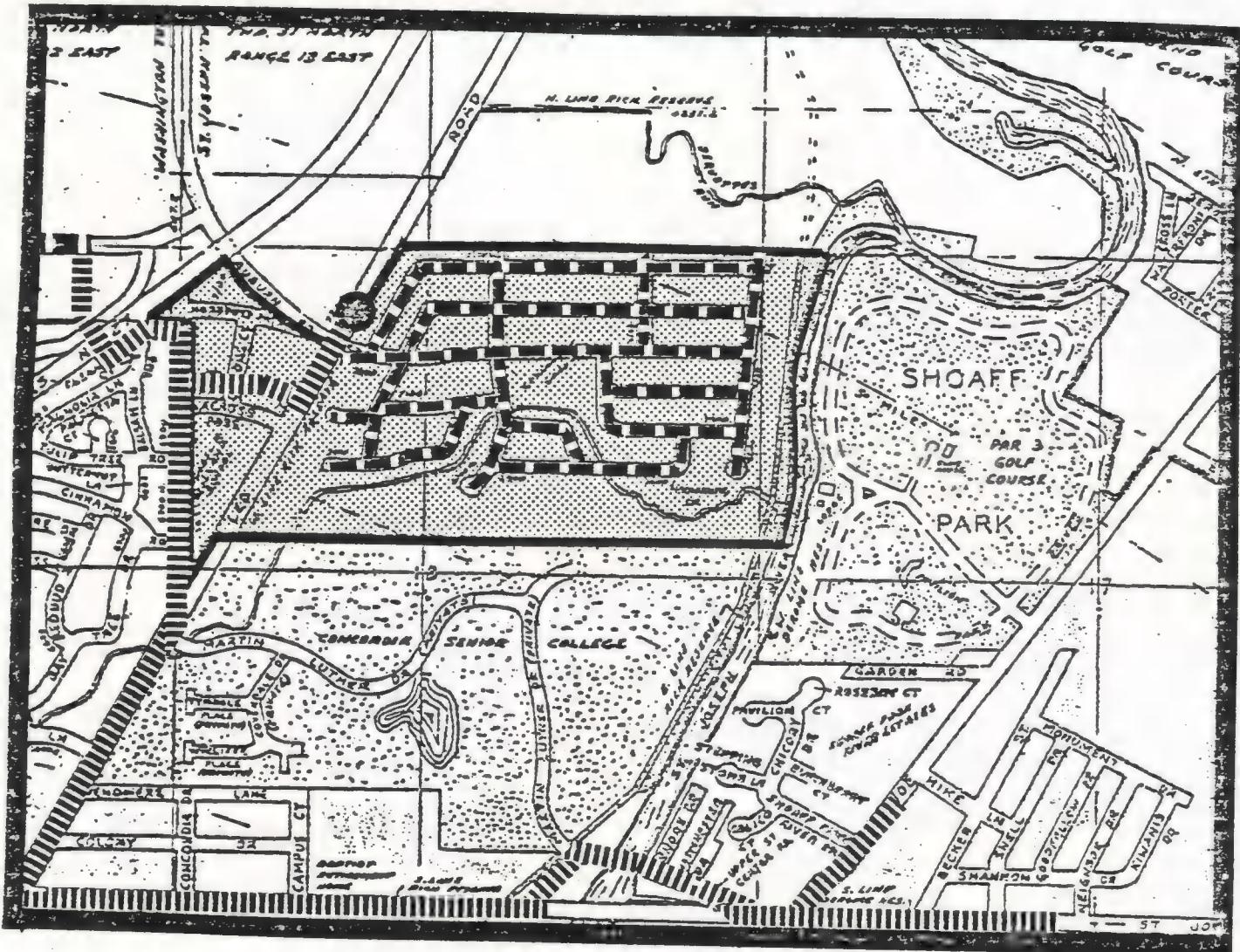
A natural drainage ditch which enters Concordia Gardens from the southwest, has presented a flash flooding problem from time to time.

Similar to the water and sewer utilities, storm sewer improvements are the responsibility of the affected property owners. In order to obtain improvements, property owners must submit written petition to the Board of Public Works. Upon receipt of a petition and direction from the Board of Works, the Water Pollution Control Engineering will investigate the problem to come up with a way to remedy the situation.

It is the City's policy that the financing of storm sewers be the responsibility of the property owners. Residents can pay their share through Barrett Law Assessments which allow payment over a 10 year period at an interest rate generally lower than those offered in the open market.

* I.C. 18-6-5-1

MAP 3



CITY WATER SERVICE

Annexation Area

Present Water Mains

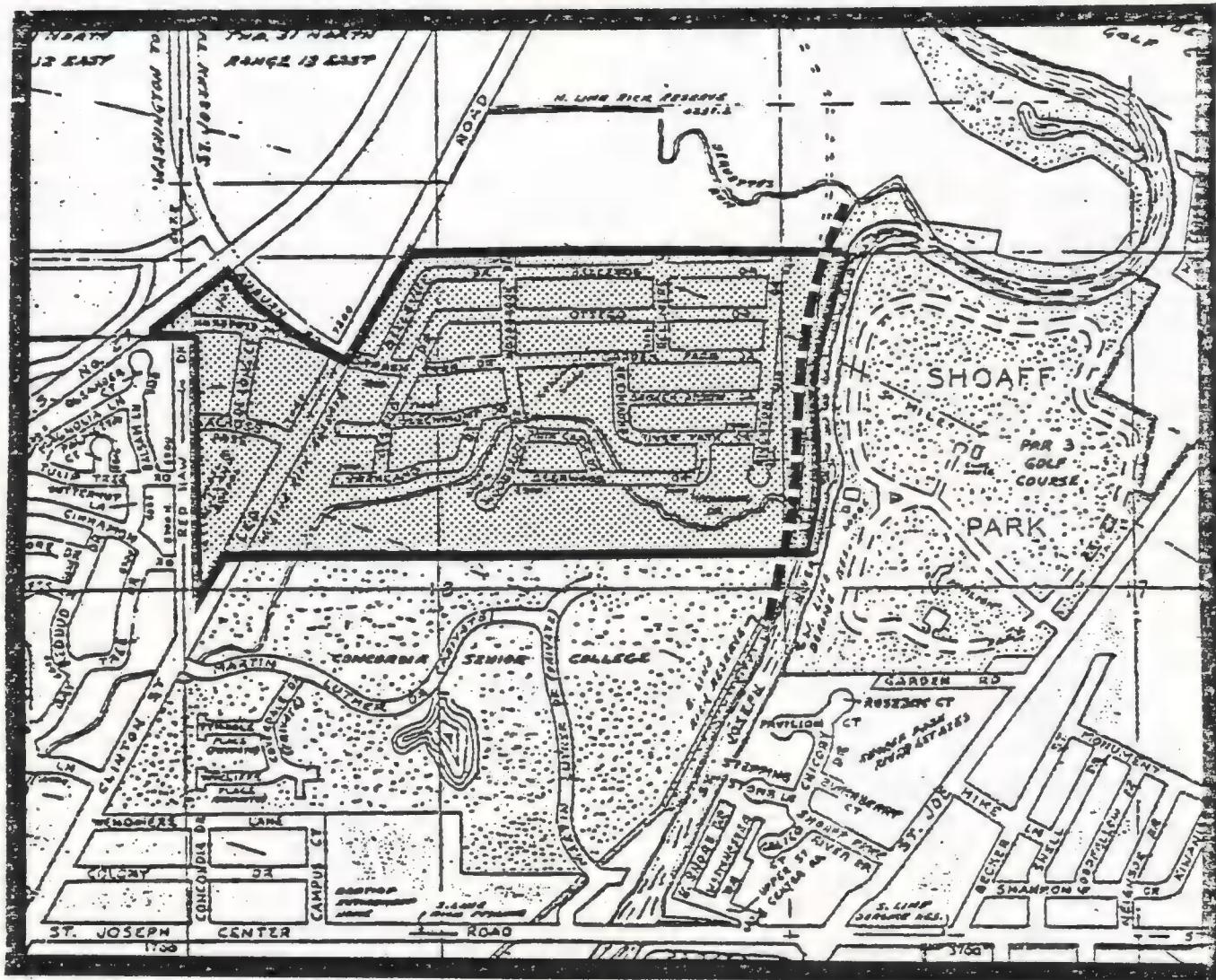
Present Fire Hydrants

Proposed Distribution Mains

(as required) ---

Proposed Feeder Mains ■■■

MAP 4



CITY SEWER FACILITIES

Annexation Area —

St. Joe Interceptor ---

FINANCIAL SUMMARY

1. Revenue

The assessed valuation for the Concordia Gardens area was determined by obtaining the assessed valuation of each piece of property from the Real Property Master File and the St. Joseph's Township Assessor's Office. The total land and real estate value for the total annexation area is \$2,189,550. Since each property owner is eligible for a \$1,000 mortgage exemption and there are 300 dwelling units, \$300,000 is deducted from the \$2,189,550 assessed valuation. Thus, 1,889,550 is the amount which determines the revenues derived from the City taxes. The official City tax rate for 1979 is \$3.9068 per \$100 of the assessed valuation. Therefore, the City would receive \$73,820 (1979 figure) from the assessed values of the Concordia Gardens area. The table below illustrates this more clearly:

Assessed Valuation	\$2,189,550
-Mortgage Exemption	<u>300,000</u>
Taxable Assessed	\$1,889,550

$$\text{Revenue from taxes} = \$3.9068 \times \$18,895.5 = \$73,820$$

Several other sources of revenue for the City are based upon population. The table below gives an estimate of the monies to be received from each of the respective funds.

<u>Revenue Source</u>		<u>Concordia Gardens Population</u>	<u>Total</u>
MVH	\$9.37/CAP	1203	\$11,272
Alcoholic Gallonage	1.62/CAP	1203	1,948
Cigarette Tax	1.24/CAP	1203	1,491
Cumulative Capital	4.62/CAP	1203	<u>5,557</u>
		TOTAL	\$20,268

The money received from the Alcoholic Gallonage and the Cigarette Tax are placed in the General Fund. The MVH revenue is placed in its own separate MVH fund. The Cumulative Capital revenue is placed in its own fund or upon approval of the City Council, it may be placed in the General Fund.

The amount of money the City receives from Federal Revenue Sharing, the Community Development Block Grant, and the Local Road & Street Fund is related to the City's population. Population is only one element of complex distribution formula, so the direct contribution of Concordia Gardens cannot be calculated. Still, these funds should increase with population increases.

2. Expenditures

Expenditures reported in the Municipal Services Section are summarized here. These costs are estimates of what it will cost the city to provide services to the area. After annexation, the exact amount spent for each service may vary from these estimates as actual needs are evaluated and service is reallocated throughout the city.

Not all of these costs will definitely be incurred since certain capital improvement projects, such as street lighting, must follow routine city procedures which often require petitioning, and implementation as funds become available. Utility costs are not reported here as they are paid for by the property owners and only after they request the improvements.

<u>Service</u>	<u>Capital Cost</u>	<u>Operating Cost</u>
Police	\$ ---	\$ 10,300
Fire	---	461
EMS	---	2,400
Solid Waste Collection	---	11,742
Traffic Control	3,212	381
Street Lighting		
-Total	75,350	3,014
-Intersections only	16,500	660
Streets and Roads		
-City Share (25%)	550,000	---
-Residents Share (75%)	1,650,000	---
-Total	2,200,000	---
Street Maintenance		11,975
Park		
-Funmobile only	---	1,166
-Funmobile & Park Main.	---	5,499
-Capital Improvements	28,351	---
Fire Hydrants (1)	---	116

3. Five Year Summary

The Five Year Summary shows year by year expenditures for the first five years after annexation compared with the tax revenue the City will receive from the area.

The Five Year Summary includes the costs likely to be incurred with annexation such as police, fire protection, emergency medical service, solid waste collection, and traffic control. These are considered essential for the health and safety of the residents of the area. Street maintenance and fire hydrant rental are automatic with annexation so these costs are included. Other costs expected to be incurred within five years of annexation are also included. These include intersection lights (although they have often been funded through Revenue Sharing) and the operating cost of a Funmobile

Stop. Street improvements and utility costs are not included since they will be undertaken only with resident participation and petitioning. For the purpose of this summary, an effective date of December 31, 1979 is assumed.

<u>Year</u>	<u>Expenditures</u>	<u>Property Tax Revenue</u>	<u>Population Revenue</u>	<u>Total</u>
1980	\$44,010	\$---	\$-----	\$-44,010
1981	66,846	81,386	20,268	+34,808
1982	47,620	85,455	20,268	+58,103
1983	50,810	89,728	20,268	+59,186
1984	54,215	94,214	20,268	+60,267

Expenditures for 1980 include all operating costs that are automatic with annexation. Capital expenditures are made in the second year, except for Traffic control capital expenditures which are made in the first year. The third year and thereafter, the only costs are operational ones. All costs include a 6.7% inflationary factor for each year since the date of this report (1979). (Statistical Abstract of the United States, Bureau of the Census, TABLE #700, p.433, 1976)

Property tax would not be collected until 1981 since the assessment date is March 1. Assuming annexation December 31, 1979, assessment will take place March 1, 1980 and revenue will not be collected until 1981. An increase of 5% is included in the revenue figures since this is the expected amount of increase in the tax levy.

SUMMARY AND RECOMMENDATIONS

1. Indiana Annexation Statutes

In order for the City to successfully annex an area, it must meet the necessary criteria for annexation as established by the Indiana Statute, I.C. 18-5-10-25. The statute states that:

A. "At least one-eighth (1/8) of the aggregate extend boundaries of the area sought to be annexed coincide with the boundaries of the annexing city."

The Concordia Gardens area is fifty-nine percent (59%) contiguous to the existing corporate limits on its eastern, western, and southern boundaries.

B. (1) "The resident population of the area sought to be annexed is equal to at least three (3) persons for each acre of land included within its boundaries"...

or

(2) "The land is zoned for commercial, business, or industrial uses."

or

(3) Sixty percent (60%) of the land therein is subdivided.

The Concordia Gardens area has approximately 4.16 persons per acre and therefore meets criteria B.(1), above. In addition, the land is more than 60% subdivided, fulfilling criteria B.(3), above

C. "The annexing city has developed a written fiscal plan and has established a definite policy, by resolution of the common council, as of the date of passage of the annexation ordinance, showing:

- (1) the cost estimates of planned services to be furnished to the territory to be annexed;
- (2) the method or methods of financing the planned services;
- (3) the plan for the organization and extension of services;
- (4) that planned services of a noncapital nature, including police protection, fire protection, street and road maintenance, and other noncapital services which are normally provided within the existing corporate boundaries, will be provided to the annexed territory within one(1) year from the effective date of annexation, and that they will be provided in a manner which is equivalent in standard and scope to

those noncapital services provided to areas within the annexing city which have similar topography, patterns of land utilization, and population density; and

(5) that services of a capital improvement nature, such as street construction, street lighting, sewer facilities, water facilities, and stormwater drainage facilities, will be provided to the annexed territory within three (3) years of the effective date of the annexation, in the same manner as those services are provided to areas within the annexing city which have similar topography, patterns of land utilization, and population density, and in a manner consistent with federal, state and local laws, procedures and planning criteria; and

(6) the plan for hiring the employees of other governmental entities whose jobs will be eliminated by the proposed annexation, but nothing herein shall require the annexing authority to hire any employees."

This document is the written fiscal plan which establishes a definite policy for providing municipal services to Concordia Gardens within the specific time limits, as required by the Indiana Code. Once the annexation is passed by the Common Council, this document will be adopted and become an official document of the City.

Police and fire protection, emergency medical services, solid waste collection, and traffic control services are considered essential for the health and safety of Concordia Gardens residents and will be available at standard levels upon annexation. The City will also take over street maintenance, the payment of street lighting energy costs as well as maintenance, and rental fees for fire hydrants. These are the non-capital services which are normally provided within the existing corporate boundaries. These will be at standard well within one year of annexation.

Street and street lighting improvements will be provided at the basis of need, community priority, funding availability, and property owner petitioning and participation on described in the municipal services section of this plan. However, intersection lights are provided automatically unless not desired by the area's residents. Service provision will be in accordance with regular City capital improvement planning and implementation process. City Utilities has the capacity to serve the Concordia Gardens area. Water and sewer lines can be extended from existing mains to serve the area. Residents will receive these services when they petition for them and agree to pay their share of the cost. Storm drainage improvements also require resident petitioning and participation. These services of a capital improvement nature will be provided in the same manner as those services are provided to areas within the annexing city.

Those capital improvement services which are automatic (that is, they do not require petitioning) will be provided within three years of the effective date of annexation. These include traffic control signs, signals, etc. and intersection lights as long as it is still the standard policy of the City

to provide a light at every intersection.

The cost estimates of the planned services were obtained from the service departments and are included in this document. The method or methods of financing for each service is also included, as well as the plan for the organization and extension of services.

The Financial Summary shows the cost of providing these services as well as the additional revenue the City will receive. The cost of services not requiring resident petitioning are compared with the potential revenue for the City in the Five Year Summary. Services such as street and road construction, street lighting for the entire addition, as well as utility services cannot be compared against potential revenue because these services require petitioning. Therefore, it cannot be determined when, or even if, the expenses will be incurred. However, Concordia Gardens will be treated equally with other areas of the City with regard to the provision of these services.

This annexation will not eliminate the jobs of any employees of other governmental entities, so no plans for the hiring of such employees are necessary.

2. Fort Wayne's Annexation Policy

The Fort Wayne City Council has considered other annexation criteria in addition to those set forth by the State Statutes:

- A. The area proposed for annexation must have a unity of interest with the municipality.

The Concordia Gardens area is actually a part of the Fort Wayne urban community. Residents share their recreational and commercial facilities with city residents. The City, in return, shares its commercial and recreational facilities with Concordia Gardens residents. In addition, many residents of the proposed annexation area depend on the City for their livelihood since they are employed within the City of Fort Wayne.

- B. The advantages to the proposed annexation area must outweigh the disadvantages.

Advantages for the annexation area include the provision of municipal services, the acquisition of a voice in City Government by the residents, and the community benefit of a more equitable tax system. Also, Barrett Bonding for capital improvements will be available for

Concordia Gardens residents. This will facilitate the process for obtaining City sewers and streets, both of which Concordia Gardens residents need. The only major disadvantage to residents is the increase in property taxes necessary to pay for the increased municipal services.

C. The advantages to the City must outweigh the disadvantage.

The City would grow along with the urban area, thereby providing a strong tax base and the ability to provide adequate services. Annexation of this area would eliminate the already existing tax inequities for urbanites. City residents pay City and County taxes which help support services to the growing urbanized county residents. Yet, urban county residents do not pay city taxes to support the services they are using. Therefore, annexation is a means to insure that all urbanites share equally in the cost of urban services. Annexation will also facilitate the thorough and efficient provision of urban services.

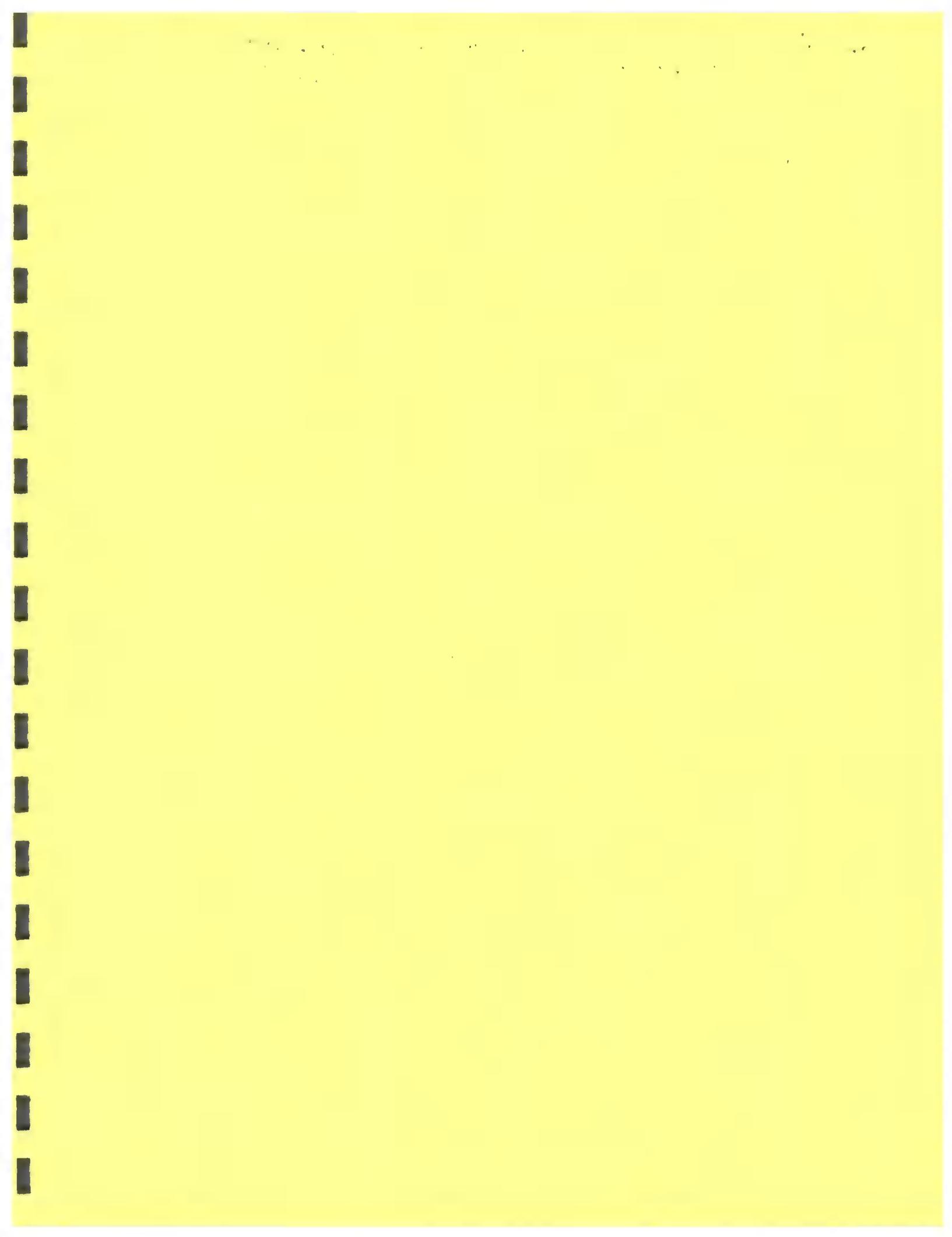
D. The deficit of income against expenses to the City must not be unreasonable.

As shown in the Five Year Summary, there is a deficit in the first year of approximately \$44,000. However, the deficit is made up in the third year and from then on, the City would realize a positive income of approximately \$60,000.

E. The City must desire to annex the area.

The Concordia Gardens area is a logical extension of the City since it borders the City on three sides. It is also a vital link with areas to the north which will be developed in the future. Annexation of Concordia Gardens will help the City grow in a logical and orderly manner, as well as help preserve a solid tax base.

It is with careful thought and consideration that the Department of Community Development and Planning recommends that this area be annexed to the City of Fort Wayne, as it meets both the legal and local criteria for an acceptable and beneficial annexation.



LEGAL NOTICE

Notice is hereby given that on the 8th day of
October, 1985, the Common Council of the City
of Fort Wayne, Indiana, in a Regular Session did pass
the following Bill No. X-85-09-07.

Ordinance No. X-07-85 to-wit:

1 Bill No. X-85-09-07

2 AMENDED ANNEXATION ORDINANCE NO. X-08-85
3 AN ORDINANCE AMENDING ANNEXATION ORDINANCE X-05-79, AS AMENDED
4 BY ORDINANCE X-08-79.

5 WHEREAS, on September 25, 1979, the Common Council of the
city of Fort Wayne did pass Ordinance No. X-05-79; and

6 WHEREAS, on October 23, 1979, the Common Council of the city
of Fort Wayne did pass Ordinance No. X-08-79, amending X-05-79;
7 and

8 WHEREAS, certain residents of the annexation area filed a
remonstrance against Ordinance No. X-05-79 in the Allen Superior
9 Court, Cause No. S-79-2980; and

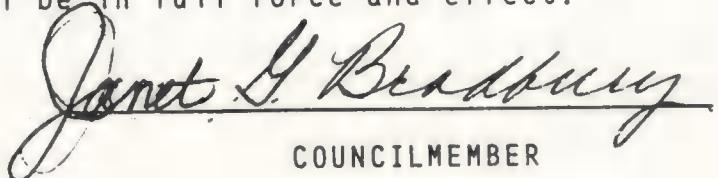
10 WHEREAS, the city of Fort Wayne and the remonstrators have
11 reached an agreement that the remonstrators will dismiss their
12 remonstrance in return for the City providing the benefits set
forth in the fiscal plan and the Agreement, which has been added
to the plan and is shown as Exhibit B hereto;

13 NOW THEREFORE BE IT ORDAINED THAT:

14 SECTION 1. The fiscal plan for the Concordia Gardens Annexation
15 Area, as set forth in Exhibit A, shall be amended to add the
16 addendum attached to this ordinance as Exhibit B as further
17 provided in Resolution No. _____. Ordinance X-05-79 and Ordinance
18 X-08-79 are amended to implement the fiscal plan and the addendum
19 to the fiscal plan at the time and in the manner set forth in
20 that fiscal plan and the addendum which is the agreement between
21 the City of Fort Wayne and the residents of the annexation area.
22 The annexation area described in Ordinance X-05-79 will become a
23 part of the City on December 31, 1985.

24 SECTION 2. All other terms and conditions of Ordinance X-05-79
as amended by X-08-79 and the fiscal plan set forth at exhibit A
shall remain unchanged.

SECTION 3. That after its passage, approval by the Mayor, due
legal publication, and the required sixty (60) day remonstrance
period, this Ordinance shall be in full force and effect.


Janet G. Bradbury

COUNCILMEMBER

Read the third time in full and on motion by Bradbury,
seconded by Henry, and duly adopted, placed on its passage. PASSED
by the following vote:

AYES: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Henry, Redd,
Schmidt, Stier, Talarico

NAYS: None

ABSENT: None

ABSTAINED: None

DATE: 10-8-85

Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City
of Fort Wayne, Indiana

Fort Wayne Common Council
 (Governmental Unit)
Allen County, IN

To **JOURNAL-GAZETTE** Dr.
P.O. BOX 100
FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines

Head	number of lines	1
Body	number of lines	87
Tail	number of lines	1
Total number of lines in notice		89

COMPUTATION OF CHARGES

89 lines, 1 columns wide equals 89 equivalent lines at .450¢ \$ 40.05
 cents per line

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two) 4 extra 2.00

TOTAL AMOUNT OF CLAIM \$ 42.05

DATA FOR COMPUTING COST

LEGAL NOTICE

Notice is hereby given that on the 8th day of October, 1985, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill No. X-85-09-07. Ordinance No. X-07-85 to-wit:

Bill No. X-85-09-07

AMENDED ANNEXATION ORDINANCE NO. X-08-85. AN ORDINANCE AMENDING ANNEXATION ORDINANCE X-05-79 AS AMENDED BY ORDINANCE X-08-79.

WHEREAS, on September 25, 1979, the Common Council of the city of Fort Wayne did pass Ordinance No. X-05-79; and

WHEREAS, on October 23, 1979, the Common Council of the city of Fort Wayne did pass Ordinance No. X-06-79, amending X-05-79; and

WHEREAS, certain residents of the annexation area filed a remonstrance against Ordinance No. X-05-79 in the Allen Superior Court, Cause No. S-79-2980; and

WHEREAS, the city of Fort Wayne and the remonstrators have reached an agreement that the remonstrators will dismiss their remonstrance in return for the City providing the benefits set forth in the fiscal plan and the Agreement, which has been added to the plan and is shown as Exhibit B hereto;

NOW THEREFORE BE IT ORDAINED THAT:

SECTION 1. The fiscal plan for the Concordia Gardens Annexation Area, as set forth in Exhibit A, shall be amended to add the addendum attached to this ordinance as Exhibit B as further provided in Resolution No. R-113-85. Ordinance X-05-79 and Ordinance X-08-79 are amended to implement the fiscal plan and the addendum to the fiscal plan at the time and in the manner set forth in that fiscal plan and the addendum which is the agreement between the City of Fort Wayne and the residents of the annexation area. The annexation area described in Ordinance X-05-79 will become a part of the City on December 31, 1985.

SECTION 2. All other terms and conditions of Ordinance X-05-79 as amended by X-08-79 and the fiscal plan set forth at exhibit A shall remain unchanged.

SECTION 3. That after its passage, approval by the Mayor, due legal publication, and the required sixty (60) day remonstrance period, this Ordinance shall be in full force and effect.

Janet G. Bradbury
COUNCILMEMBER

Read the third time in full and on motion by Bradbury, seconded by Henry, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine, Bradbury, Burns, Eisbart, GiaQuinta, Henry, Redd, Schmidt, Stier, Talarico.

NAYS: None

ABSENT: None

ABSTAINED: None

DATE: 10-8-85

Sandra E. Kennedy, City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Annexation Ordinance No. X-08-85 on the 8th day of October, 1985.

ATTEST:

(SEAL)
Sandra E. Kennedy, City Clerk

Mark E. GiaQuinta, Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 8th day of October, 1985, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy, City Clerk

Approved and signed by me this 14th day of October, 1985, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr., Mayor

I, The Clerk of the City of Fort Wayne, Indiana do hereby certify that the above and foregoing is a full, true and complete copy of Annexation Ordinance No. X-08-85, passed by the Common Council on the 8th day of October, 1985, and that said Ordinance was duly signed and approved by the Mayor on the 14th day of October, 1985, and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 14th day of October, 1985.

Sandra E. Kennedy, City Clerk

10/18-25

picas Size of type 6 point

2 Size of quad upon which type is cast 6

89, Acts 1967.

just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same

Drusilla Roose

Title CLERK

PUBLISHER'S AFFIDAVIT

State of Indiana

ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned Drusilla Roose who, being duly sworn, says

that he/she is CLERK of the

JOURNAL-GAZETTE

a DAILY newspaper of general circulation printed and published

in the English language in the city town of FORT WAYNE, INDIANA

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two times, the dates of publication being

as follows:

10/18 - 10/25/85

Drusilla Roose

Subscribed and sworn to me before this 25th day of October 1985

Anne M. Perkins

Anne M. Perkins Notary Public

My commission expires November 29, 1985

Fort Wayne Common Council

 (Governmental Unit)
Allen County, IN

To **JOURNAL-GAZETTE** Dr.
P.O. BOX 100
FORT WAYNE, INDIANA

PUBLISHER'S CLAIM**LINE COUNT**

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines
 of the type in which the body of the advertisement is set) - number of equivalent lines

Head	number of lines	1
Body	number of lines	87
Tail	number of lines	1
Total number of lines in notice		89

COMPUTATION OF CHARGES

89	lines,	1	columns wide equals	89	equivalent lines at .450¢	\$ 40.05	
cents per line						
Additional charge for notices containing rule or tabular work (50 per cent of above amount)						
Charge for extra proofs of publication (50 cents for each proof in excess of two)						4 extra	2.00
					
TOTAL AMOUNT OF CLAIM						\$ 42.05

DATA FOR COMPUTING COST

Width of single column 12.5 picas	Size of type 6	point
Number of insertions 2	Size of quad upon which type is cast 6

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date **Oct. 25**, 19 **85**

Title **CLERK**

FORM #904**PUBLISHER'S AFFIDAVIT**

State of Indiana
 ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned **Drusilla Roose** who, being duly sworn, says

that he/she is of the

..... **JOURNAL-GAZETTE**

a **DAILY** newspaper of general circulation printed and published

in the English language in the city town of **FORT WAYNE, INDIANA**

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for **two times** the dates of publication being

as follows:

10/18 - 10/25/85

Subscribed and sworn to me before this **25th** day of **October**, 19 **85**

Anne M. Perkins Notary Public

My commission expires **November 29, 1985**

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 14th day of October, 1985.

Sandra E. Kennedy, City Clerk
 10/18-25

Fort Wayne Common Council
 (Governmental Unit)
Allen County, IN

To **NEW-SENTINEL** Dr.
P.O. BOX 100
FORT WAYNE, INDIANA

PUBLISHER'S CLAIM**LINE COUNT**

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Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Frances Rose

Oct. 25 85

LEGAL NOTICE

Notice is hereby given that on the 8th day of October, 1985, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill No. X-85-09-07. Ordinance No. X-07-85 to-wit:

Bill No. X-85-09-07
AMENDED ANNEXATION ORDINANCE NO. X-08-85.

AN ORDINANCE AMENDING ANNEXATION ORDINANCE X-05-79 AS AMENDED BY ORDINANCE X-08-79.

WHEREAS, on September 25, 1979, the Common Council of the city of Fort Wayne did pass Ordinance No. X-05-79; and

WHEREAS, on October 23, 1979, the Common Council of the city of Fort Wayne did pass Ordinance No. X-08-79, amending X-05-79; and

WHEREAS, certain residents of the annexation area filed a remonstrance against Ordinance No. X-05-79 in the Allen Superior Court, Cause No. S-79-2980; and

WHEREAS, the city of Fort Wayne and the remonstrators have reached an agreement that the remonstrators will dismiss their remonstrance in return for the City providing the benefits set forth in the fiscal plan and the Agreement, which has been added to the plan and is shown as Exhibit B hereto;

NOW THEREFORE BE IT ORDAINED THAT:

SECTION 1. The fiscal plan for the Concordia Gardens Annexation Area, as set forth in Exhibit A, shall be amended to add the addendum attached to this ordinance as Exhibit B as further provided in Resolution No. R-113-85. Ordinance X-05-79 and Ordinance X-08-79 are amended to implement the fiscal plan and the addendum to the fiscal plan at the time and in the manner set forth in that fiscal plan and the addendum which is the agreement between the City of Fort Wayne and the residents of the annexation area. The annexation area described in Ordinance X-05-79 will become a part of the City on December 31, 1985.

SECTION 2. All other terms and conditions of Ordinance X-05-79 as amended by X-08-79 and the fiscal plan set forth at exhibit A shall remain unchanged.

SECTION 3. That after its passage, approval by the Mayor, due legal publication, and the required sixty (60) day remonstrance period, this Ordinance shall be in full force and effect.

Janet G. Bradbury

COUNCILMEMBER

Read the third time in full and on motion by Bradbury, seconded by Henry, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine. Bradbury, Burns, Eisbart, GiaQuinta, Henry, Redd, Schmidt, Stier, Talarico.

NAYS: None

ABSENT: None

ABSTAINED: None

DATE: 10-8-85
 Sandra E. Kennedy, City Clerk
 Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Annexation Ordinance No. X-08-85 on the 8th day of October, 1985.

ATTEST:

(SEAL)
 Sandra E. Kennedy, City Clerk

Mark E. GiaQuinta, Presiding Officer
 Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of October, 1985, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy, City Clerk

Approved and signed by me this 14th day of October, 1985, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr., Mayor

I, The Clerk of the City of Fort Wayne, Indiana do hereby certify that the above and foregoing is a full, true and complete copy of Annexation Ordinance No. X-08-85, passed by the Common Council on the 8th day of October, 1985, and that said Ordinance was duly signed and approved by the Mayor on the 14th day of October, 1985, and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 14th day of October, 1985.

Sandra E. Kennedy, City Clerk
 10/18/25

Title CLERK

PUBLISHER'S AFFIDAVIT

notary public in and for said county and state, the

DCE who, being duly sworn, says

I K of the

newspaper of general circulation printed and published

FORT WAYNE, INDIANA

that the printed matter attached hereto is a true copy,

two times

which was duly published in said paper for

as follows:

10/18 - 10/25/85

Subscribed and sworn to me before this 25th day of October 1985

John M. Perkins Anne M. Perkins Notary Public

November 29, 1985

My commission expires

Fort Wayne Common Council
 (Governmental Unit)
Allen County, IN

To **NEW-SENTINEL** Dr.
P.O. BOX 100
FORT WAYNE, INDIANA

PUBLISHER'S CLAIM**LINE COUNT**

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines

Head	number of lines	1
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Total number of lines in notice		89

COMPUTATION OF CHARGES

89 lines, 1 columns wide equals 89 equivalent lines at 450¢ \$.40.05
 cents per line

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two) 4 extra 2.00

TOTAL AMOUNT OF CLAIM **\$.42.05**

DATA FOR COMPUTING COST

Width of single column 12.5 picas	Size of type 6
Number of insertions 2	Size of quad upon which type is cast 6

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Drusilla Roose

Date Oct. 25, 1985

Title CLERK

FORM #903**PUBLISHER'S AFFIDAVIT**

State of Indiana
 ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned Drusilla Roose who, being duly sworn, says

that he/she is CLERK of the

..... NEWS-SENTINEL

a DAILY newspaper of general circulation printed and published

in the English language in the city town of FORT WAYNE, INDIANA

in state and county aforesaid, and that the printed matter attached hereto is a true copy, two times

which was duly published in said paper for the dates of publication being

as follows:

10/18 - 10/25/85

Subscribed and sworn to me before this 25th day of October 1985

Anne M. Perkins
 Anne M. Perkins Notary Public

November 29, 1985

Read the third time in full and on motion by Bradbury, seconded by Henry, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine, Bradbury, Burns, Elsbart, GiaQuinta, Henry, Redd, Schmidt, Stier, Talarico.

NAYS: None

ABSENT: None

ABSTAINED: None

Fort Wayne Common Council

 (Governmental Unit)
Allen County, IN

To **NEW-SENTINEL** Dr.
 **P.O. BOX 100**
FORT WAYNE, INDIANA

PUBLISHER'S CLAIM**LINE COUNT**

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Tail	number of lines	1
Total number of lines in notice		89

COMPUTATION OF CHARGES

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cents per line				
Additional charge for notices containing rule or tabular work (50 per cent of above amount)				
.....				
Charge for extra proofs of publication (50 cents for each proof in excess of two)				
4 extra 2.00				
.....				
TOTAL AMOUNT OF CLAIM 42.05				
\$.....				

LEGAL NOTICE

Notice is hereby given that on the 8th day of October, 1985, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill No. X-85-09-07. Ordinance No. X-07-85 to-wit:

Bill No. X-85-09-07

AMENDED ANNEXATION ORDINANCE NO. X-08-85. AN ORDINANCE AMENDING ANNEXATION ORDINANCE X-05-79 AS AMENDED BY ORDINANCE X-08-79.

WHEREAS, on September 25, 1979, the Common Council of the city of Fort Wayne did pass Ordinance No. X-05-79; and

WHEREAS, on October 23, 1979, the Common Council of the city of Fort Wayne did pass Ordinance No. X-08-79, amending X-05-79; and

WHEREAS, certain residents of the annexation area filed a remonstrance against Ordinance No. X-05-79 in the Allen Superior Court, Cause No. S-79-2980; and

WHEREAS, the city of Fort Wayne and the remonstrators have reached an agreement that the remonstrators will dismiss their remonstrance in return for the City providing the benefits set forth in the fiscal plan and the Agreement, which has been added to the plan and is shown as Exhibit B hereto;

NOW THEREFORE BE IT ORDAINED THAT:

SECTION 1. The fiscal plan for the Concordia Gardens Annexation Area, as set forth in Exhibit A, shall be amended to add the addendum attached to this ordinance as Exhibit B as further provided in Resolution No. R-113-85. Ordinance X-05-79 and Ordinance X-08-79 are amended to implement the fiscal plan and the addendum to the fiscal plan at the time and in the manner set forth in that fiscal plan and the addendum which is the agreement between the City of Fort Wayne and the residents of the annexation area. The annexation area described in Ordinance X-05-79 will become a part of the City on December 31, 1985.

SECTION 2. All other terms and conditions of Ordinance X-05-79 as amended by X-08-79 and the fiscal plan set forth at exhibit A shall remain unchanged.

SECTION 3. That after its passage, approval by the Mayor, due legal publication, and the required sixty (60) day remonstrance period, this Ordinance shall be in full force and effect.

Janet G. Bradbury

COUNCILMEMBER

Read the third time in full and on motion by Bradbury, seconded by Henry, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine. Bradbury, Burns, Eisbart, GiaQuinta, Henry, Redd, Schmidt, Stier, Talarico.

NAYS: None

ABSENT: None

ABSTAINED: None

DATE: 10-8-85

Sandra E. Kennedy, City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Annexation Ordinance No. X-08-85 on the 8th day of October, 1985.

ATTEST:

(SEAL)

Sandra E. Kennedy, City Clerk

Mark E. GiaQuinta, Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of October, 1985, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy, City Clerk

Approved and signed by me this 14th day of October, 1985, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr., Mayor

I, The Clerk of the City of Fort Wayne, Indiana do hereby certify that the above and foregoing is a full, true and complete copy of Annexation Ordinance No. X-08-85, passed by the Common Council on the 8th day of October, 1985, and that said Ordinance was duly signed and approved by the Mayor on the 14th day of October, 1985, and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 14th day of October, 1985.

Sandra E. Kennedy, City Clerk

10/18-25

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Admn. Appr. _____

DIGEST SHEET

X-85-09-07

TITLE OF ORDINANCE Annexation Ordinance for Concordia Gardens

DEPARTMENT REQUESTING ORDINANCE Community Development and Planning

SYNOPSIS OF ORDINANCE Ordinance annexes said territory to the City of Fort Wayne.

EFFECT OF PASSAGE Described territory will become part of the City.

In addition, annexation will expand the City's tax base and will allow the city to keep pace with urban growth.

EFFECT OF NON-PASSAGE The area will not become part of the City.

MONEY INVOLVED (Direct Cost, Expenditures, Savings) To be explained by the Fiscal Plan, which will be prepared by the Department of Community Development and Planning.

ASSIGNED TO COMMITTEE (J.N.) _____

BILL NO. X-85-09-07

REPORT OF THE COMMITTEE ON ANNEXATION

WE, YOUR COMMITTEE ON ANNEXATION TO WHOM WAS
REFERRED AN (ORDINANCE) (RESOLUTION) AN ORDINANCE AMENDING ANNEXATION
ORDINANCE X 05-79, AS AMENDED BY ORDINANCE X-08-79

HAVE HAD SAID (ORDINANCE) (RESOLUTION) UNDER CONSIDERATION AND BEG
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)
(RESOLUTION)

YES

NO

Janet G. Bradbury JANET G. BRADBURY
CHAIRWOMAN

Thomas C. Henry THOMAS C. HENRY
VICE CHAIRMAN

Samuel J. Talarico SAMUEL J. TALARICO

Paul M. Burns PAUL M. BURNS

Ben A. Eisbart BEN A. EISBART

SANDRA E. KENNEDY
CITY CLERK

CONCURRED IN

10-8-85